

VERDICT FORM

08-cv-2531

I. DIRECT INFRINGEMENT**A. NOV**

Has Tesco proven by a preponderance of the evidence that NOV'S CRT-350 product infringed the following claims of Tesco's patents?

Answer "yes" or "no" for each patent claim listed below.

	LITERALLY	EQUIVALENTLY
1. Claim 13 of the '443 patent?	<u>Yes</u>	
2. Claim 25 of the '443 patent?		<u>Yes</u>
3. Claim 27 of the '443 patent?		<u>Yes</u>
4. Claim 55 of the '443 patent?	<u>Yes</u>	
5. Claim 59 of the '443 patent?		<u>Yes</u>
6. Claim 1 of the '324 patent?	<u>Yes</u>	
7. Claim 12 of the '324 patent?		<u>Yes</u>
8. Claim 14 of the '324 patent?	<u>Yes</u>	

B. Frank's

1. Has Tesco proven by a preponderance of the evidence that Frank's SuperTawg product infringed the following claims of Tesco's patents?

Answer "yes" or "no" for each patent claim listed below.

	LITERALLY	EQUIVALENTLY
9. Claim 13 of the '443 patent?	<u>Yes</u>	
10. Claim 25 of the '443 patent?		<u>Yes</u>
11. Claim 27 of the '443 patent?		<u>Yes</u>
12. Claim 55 of the '443 patent?	<u>Yes</u>	
13. Claim 59 of the '443 patent?		<u>Yes</u>

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14. Claim 1 of the '324 patent?

Yes

15. Claim 12 of the '324 patent?

Yes

16. Claim 14 of the '324 patent?

Yes

2. Has Tesco proven by a preponderance of the evidence that Frank's FA-1 ("All-in-One") product infringed the following claims of Tesco's patents?

Answer "yes" or "no" for each patent claim listed below.

LITERALLY

EQUIVALENTLY

17. Claim 13 of the '443 patent?

Yes

18. Claim 25 of the '443 patent?

Yes

19. Claim 27 of the '443 patent?

Yes

20. Claim 55 of the '443 patent?

Yes

21. Claim 59 of the '443 patent?

Yes

22. Claim 1 of the '324 patent?

Yes

23. Claim 12 of the '324 patent?

Yes

24. Claim 14 of the '324 patent?

Yes

3. Has Tesco proven by a preponderance of the evidence that Frank's CRT-350 (Evolution 6000) product infringed the following claims of Tesco's patents?

Answer "yes" or "no" for each patent claim listed below.

LITERALLY

EQUIVALENTLY

25. Claim 13 of the '443 patent?

Yes

26. Claim 25 of the '443 patent?

Yes

27. Claim 27 of the '443 patent?

Yes

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28. Claim 55 of the '443 patent?	<u>Yes</u>	
29. Claim 59 of the '443 patent?		<u>Yes</u>
30. Claim 1 of the '324 patent?	<u>Yes</u>	
31. Claim 12 of the '324 patent?		<u>Yes</u>
32. Claim 14 of the '324 patent?	<u>Yes</u>	

C. OES

Has Tesco proven by a preponderance of the evidence that OES's CRT-350 Casing Running Tool infringed the following claims of Tesco's patents?

Answer "yes" or "no" for each patent claim listed below.

	LITERALLY	EQUIVALENTLY
33. Claim 13 of the '443 patent?	<u>Yes</u>	
34. Claim 25 of the '443 patent?		<u>Yes</u>
35. Claim 27 of the '443 patent?		<u>Yes</u>
36. Claim 55 of the '443 patent?	<u>Yes</u>	
37. Claim 59 of the '443 patent?		<u>Yes</u>
38. Claim 1 of the '324 patent?	<u>Yes</u>	
39. Claim 12 of the '324 patent?		<u>Yes</u>
40. Claim 14 of the '324 patent?	<u>Yes</u>	

II. INDIRECT INFRINGEMENT

A. Has Tesco proven by a preponderance of the evidence that NOV has indirectly infringed, by active inducement, any of the following claims with its CRT-350 Casing Running Tool?

Answer "yes" or "no" for each patent claim listed below.

41. Claim 13 of the '443 patent?	<u>No</u>
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42. Claim 25 of the '443 patent?

No

43. Claim 27 of the '443 patent?

No

44. Claim 55 of the '443 patent?

No

45. Claim 59 of the '443 patent?

No

46. Claim 1 of the '324 patent?

No

47. Claim 12 of the '324 patent?

No

48. Claim 14 of the '324 patent?

No

B. Has Tesco proven by a preponderance of the evidence that NOV has indirectly infringed, by contributory infringement, any of the following claims with its CRT-350 Casing Running Tool?

Answer "yes" or "no" for each patent claim listed below.

49. Claim 13 of the '443 patent?

Yes

50. Claim 25 of the '443 patent?

Yes

51. Claim 27 of the '443 patent?

Yes

52. Claim 55 of the '443 patent?

Yes

53. Claim 59 of the '443 patent?

Yes

54. Claim 1 of the '324 patent?

Yes

55. Claim 12 of the '324 patent?

Yes

56. Claim 14 of the '324 patent?

Yes

III. INVALIDITY

A. Anticipation

1. Has Tesco proven by a preponderance of the evidence that any of the following claims are valid because they were not already patented or described in a printed publication anywhere in the world before November 8, 2002?

Answer "yes" or "no" for each patent claim listed below.

57. Claim 13 of the '443 patent?

No

58. Claim 25 of the '443 patent?

No

59. Claim 27 of the '443 patent?

Yes

60. Claim 55 of the '443 patent?

Yes

61. Claim 59 of the '443 patent?

No

62. Claim 1 of the '324 patent?

No

63. Claim 12 of the '324 patent?

No

64. Claim 14 of the '324 patent?

Yes

2. Has Tesco proven by a preponderance of the evidence that any of the following claims are valid because they were not publicly used, sold, or offered for sale in the United States before November 8, 2002?

Answer "yes" or "no" for each patent claim listed below.

65. Claim 13 of the '443 patent?

No

66. Claim 25 of the '443 patent?

No

67. Claim 27 of the '443 patent?

Yes

68. Claim 55 of the '443 patent?

Yes

69. Claim 59 of the '443 patent?

No

70. Claim 1 of the '324 patent?

No

71. Claim 12 of the '324 patent?

No

72. Claim 14 of the '324 patent?

Yes

B. Obviousness

Has Tesco proven by a preponderance of the evidence that any of the following claims are valid because they were not obvious to a person of ordinary skill in the art?

Answer "yes" or "no" for each patent claim listed below.

73. Claim 13 of the '443 patent?

Yes

74. Claim 25 of the '443 patent?

Yes

75. Claim 27 of the '443 patent?

Yes

76. Claim 55 of the '443 patent?

Yes

77. Claim 59 of the '443 patent?

Yes

78. Claim 1 of the '324 patent?

Yes

79. Claim 12 of the '324 patent?

Yes

80. Claim 14 of the '324 patent?

Yes

C. Has Tesco proven by a preponderance of the evidence that Tesco's August 2002 brochure could not have enabled a person of ordinary skill in the art to make and use the claimed invention?

Answer "yes" or "no".

81. Yes

SIGNED at Houston, Texas, on this the 10th day of November, 2010.


A handwritten signature in black ink, appearing to read "Keith P. Ellison", is written over a solid horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE